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6 IN THE MATTER OF :
7 Columbia Lodge, Case #16-PRO-00078
8 t/a Columbia Lodge #85 IBPEO :
9 of Wo/Elks Lodge :
10 1844 3rd Street, N.W. :
11 License #ABRA-000237 :
12 Retailer Class (Club) :
13 License Renewal :
14 - - - - -X

15 Monday, July 18, 2016

17 Whereupon, the above-referenced matter
18 came on for hearing at the Alcoholic Beverage
19 Control Board, Reeves Center, 2000 14th Street,
20 N.W., Suite 400S, Washington, D.C. 20009.

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2 CHAIRPERSON:

3 LAVERNE FLETCHER, Presiding

4

5 ALSO PRESENT:

6 ROBERT ALSTON

7 GWENDOLYN RAIFORD

8 BRIAN FOOTER

9 ANITA NORMAN

10 DAVID KORKORIAN

11 SIMON PAK

12 KAREN LOMBARDI

13 JEEHYE KIM

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2 P R O C E E D I N G S

3 CHAIRPERSON FLETCHER: Columbia Lodge,
4 please come forward. The parties in the matter
5 of Columbia Lodge? Number 85 IP -- I.B.P.E.O.
6 This is Case Number 16-PRO-00078. Columbia Lodge
7 Number 85 trading as Columbia Lodge Number 85
8 I.B.P.F.O. [sic] Elks Lodge. It's a long name,
9 and I'm trying to make sure I get everything in
10 there.

11 MR. DILLON: I.B.P.O.E.

12 CHAIRPERSON FLETCHER: Huh?

13 MR. ALSTON: I.B.P.O.E. of W.

14 CHAIRPERSON FLETCHER: That's right. Of
15 Wo/Elks Lodge. Thank you.

16 The address is 1844 3rd Street, N.W.;
17 License Number ABRA-000237. This is a Retailer
18 Class C (Club) license. It's a license renewal.

19 My name is Laverne Fletcher. I'm
20 conducting the Roll Call Hearing as the Board's
21 agent, pursuant to D.C. Official Code 1601.2.

22 Introductions beginning with the

1 Applicant, please? Your name, ma'am?

2 MS. RAIFORD: Gwendolyn Raiford.

3 CHAIRPERSON FLETCHER: And Wanda is the
4 first name?

5 MS. RAIFORD: Gwendolyn, G-W --

6 CHAIRPERSON FLETCHER: Gwendolyn?

7 MS. RAIFORD: G-W-E-N-D-O-L-Y-N.

8 CHAIRPERSON FLETCHER: And what's your
9 last name, Gwendolyn?

10 MS. RAIFORD: R-A-I-F-O-R-D.

11 CHAIRPERSON FLETCHER: R-A-I --

12 MS. RAIFORD: F-O-R-D.

13 CHAIRPERSON FLETCHER: Oh, Raiford.

14 Thank you.

15 And your name, sir?

16 MR. ALSTON: Robert Alston, A-L-S-T-O-N.

17 CHAIRPERSON FLETCHER: And present on
18 behalf of ANC 1B?

19 MR. FOOTER: Brian Footer, F-O-O-T-E-R.

20 CHAIRPERSON FLETCHER: Thank you, Mr.
21 Footer.

22 That's Brian, B-R-I-A-n?

1 MR. FOOTER: Correct.

2 CHAIRPERSON FLETCHER: Thank you.

3 Is anyone present on behalf of -- of
4 LeDroit Park Civic Association?

5 MS. NORMAN: Anita Norman, President.

6 CHAIRPERSON FLETCHER: Anita, did you say
7 Norman?

8 MS. NORMAN: Norman, N-O-R-M --

9 CHAIRPERSON FLETCHER: N-O-R-M-A-N?

10 MS. NORMAN: Yes.

11 CHAIRPERSON FLETCHER: ANC 1B has
12 standing as a protestant.

13 With respect to the LeDroit Park, it's a
14 civic association?

15 MS. NORMAN: Yes.

16 CHAIRPERSON FLETCHER: Have something I'd
17 like to discuss with you about that.

18 It appears -- it does not appear that
19 you're a citizens' association. It appears that
20 you are a non-profit civic association.

21 MS. NORMAN: Yes.

22 CHAIRPERSON FLETCHER: It's a membership

1 organization with dues-paying members?

2 MS. NORMAN: Yes.

3 CHAIRPERSON FLETCHER: I -- so, there's
4 actually -- you have a committee that actually
5 recruits members, and they pay dues?

6 MS. NORMAN: Yes.

7 CHAIRPERSON FLETCHER: Is it on an annual
8 basis?

9 MS. NORMAN: Yes.

10 CHAIRPERSON FLETCHER: And so, you have
11 membership meetings?

12 MS. NORMAN: Yes.

13 CHAIRPERSON FLETCHER: Okay. A civic
14 association is not a citizen's association by --
15 by our definition. It does not appear to be
16 that. For a citizen's association the citizen's
17 association is open to residents throughout the
18 community in a particular area. There are no
19 membership dues. It's for the residents. They
20 hold public meetings for any resident in -- in
21 the commission area. So, there are no dues;
22 there's no membership. Anybody can come as a

1 public hearing, so it's not a membership
2 organization. It's a citizenship -- not a
3 citizenship, I'm sorry.

4 It's a citizen's association for the
5 residents in the community, not for any member in
6 -- in an association. And so I am not going to
7 grant standing to the LeDroit Park Civic
8 Association because it does not appear to me that
9 it is a citizen's association.

10 MS. NORMAN: May I say --

11 CHAIRPERSON FLETCHER: Yes.

12 MS. NORMAN: -- that it -- the civic
13 association is -- it's public and open to any
14 person in the community to come --

15 CHAIRPERSON FLETCHER: Uh-huh.

16 MS. NORMAN: -- in. For membership you
17 have to -- we use that for voting purposes --

18 CHAIRPERSON FLETCHER: Uh-huh.

19 MS. NORMAN: -- but it is open to the
20 public, and any member of the community can come.

21 CHAIRPERSON FLETCHER: But it's a not-
22 for-profit civic association; it's a membership

1 association. It's a civic association, not a
2 citizen's association.

3 I understand what you're saying.

4 MS. NORMAN: Okay.

5 CHAIRPERSON FLETCHER: I understand what
6 you're saying. I -- I know that it's -- I'm
7 assuming it's open to the public.

8 MS. NORMAN: Yes.

9 CHAIRPERSON FLETCHER: I don't know what
10 your requirements are for your notice to the
11 public. Citizen's associations have requirements
12 -- for example, an ANC will give the residents at
13 least a 7-day notice of all of its meetings, but
14 it's to everybody. You don't have to be a
15 member. You can just -- you are permitted to
16 attend just because you're a resident only.
17 There is no membership involved. There is no fee
18 involved. It's -- it's a community association.

19 MR. FOOTER: And if I may, they do --
20 they abide by similar rules where they use two
21 different methodologies for communicating to the
22 public that they're having these open forums and

1 opportunities for the public to participate.

2 CHAIRPERSON FLETCHER: Uh-huh.

3 MR. FOOTER: The membership is confined
4 to a geographic location that is for residents.

5 CHAIRPERSON FLETCHER: Uh-huh.

6 MR. FOOTER: And that's why the
7 membership is actually established --

8 CHAIRPERSON FLETCHER: Uh-huh.

9 MR. FOOTER: -- but it is open to anybody
10 and everybody that participates in those
11 communications mediums.

12 CHAIRPERSON FLETCHER: But the -- thank
13 you, Mr. Footer.

14 The association itself is a membership
15 organization. Yes? It's a membership
16 organization. You have to pay dues to belong to
17 the association.

18 MS. NORMAN: You have -- no, you have to
19 pay dues to vote but --

20 CHAIRPERSON FLETCHER: Your bylaws say
21 that in order to become a member you have to
22 become --

1 MS. NORMAN: Right.

2 CHAIRPERSON FLETCHER: -- a member of the
3 association. You have to pay dues?

4 MS. NORMAN: Yes.

5 CHAIRPERSON FLETCHER: You have a
6 committee that goes out and recruits members --

7 MS. NORMAN: Yes.

8 CHAIRPERSON FLETCHER: -- to join the
9 association, and they can't join it unless
10 they're members?

11 MS. NORMAN: Right.

12 CHAIRPERSON FLETCHER: And they pay
13 annual dues?

14 MS. NORMAN: Yes.

15 CHAIRPERSON FLETCHER: That's the
16 distinction that I'm looking at between your
17 organization and a citizen's association that's
18 only for the residents only. There's no
19 membership. There's no dues. It's only for the
20 residents.

21 And I understand what you're saying, Mr.
22 Footer, and I actually know that. But there is

1 distinction between a civic association, a member
2 paying organization, and a -- and a citizen's
3 association that is only for the residents.
4 There are no members. It's just -- they're --
5 you have a Board of Directors, but in terms of
6 the community, it's for every single person in
7 your -- within your boundaries. It's for
8 everyone. I don't have to pay a due to be a part
9 of the Advisory Neighborhood Commission. Am I
10 right about that?

11 MR. FOOTER: Yes. I think that the --
12 the parallel that you're drawing is very
13 important because the civic association does not
14 prohibit anybody from being able to participate
15 whether they pay membership or not.

16 CHAIRPERSON FLETCHER: Uh-huh.

17 MR. FOOTER: The only thing that the
18 actual membership does is when there is important
19 voting situations, those people who are -- have
20 paid their dues --

21 CHAIRPERSON FLETCHER: Uh-huh.

22 MR. FOOTER: -- those are the ones that

1 actually vote. But as far as the functionality
2 and the day-to-day of what the civic association
3 does, everybody in the community has equal
4 opportunity to participate.

5 I say that's an important distinction
6 because the ANC is very similar in that form --

7 CHAIRPERSON FLETCHER: Uh-huh.

8 MR. FOOTER: -- and we open the
9 opportunity for people to come and participate
10 and do everything the ANC is doing, but when it
11 comes to actual voting, only the 12 elected
12 representatives are actually able to vote.

13 CHAIRPERSON FLETCHER: Uh-huh.

14 MR. FOOTER: So it's a very similar
15 parallel in that those members who are actually
16 dues-paying members vote when it is prudent; but
17 everyone is able to participate in the civic
18 association regardless of their, you know, status
19 on membership.

20 CHAIRPERSON FLETCHER: Uh-huh.

21 And so -- so, Ms. Norman, how do you let
22 the community know that you're holding a -- a

1 public meeting?

2 MS. NORMAN: We announce it on several
3 platforms. We have a listserv. We have Twitter.
4 We have Facebook. We also post information in
5 our store that is in the community and on
6 lampposts throughout the neighborhood.

7 CHAIRPERSON FLETCHER: Uh-huh. In Title
8 25, Section 601, it's where the -- the law
9 defines who are protestants, who has standing to
10 file a protest. And there is not a definition
11 under that section that applies to a civic
12 association that's a non-for -- not-for-profit
13 membership paying organization. There's no --
14 there is not a definition for that. That doesn't
15 fit into Section 25-601, and I -- as the Board's
16 Agent, I don't have the authority to make an
17 exception to what's there.

18 So I'll just tell you what it says, Ms.
19 Norman. So the ABC Board can do that. So what
20 you can do beyond today, you can petition the ABC
21 board for standing as a protestant. I'm the
22 agent, but they can overruled anything that I

1 say, obviously. And so they may define your
2 civic association as a citizen's association, but
3 I don't have the authority to -- to do that.

4 So -- one second. (Pause.) According to
5 25-601, standing to file protest against the
6 license, Section 3, it says, a citizen's
7 association is incorporated under the laws of the
8 District of Columbia located within the affected
9 area provided that the following conditions are
10 met: Membership in the citizen's association is
11 open to all residents of the area represented by
12 the association.

13 And in your case they would have to
14 become a member to be recognized as a part of
15 your association. They can attend the meeting,
16 but according to the regulations -- according to
17 your bylaws, in order for me to be a part of your
18 civic association I have to become a member and
19 pay a due. It's a dues-paying organization, yes?

20 MR. FOOTER: You don't have to pay dues
21 in order to participate. You have to pay dues in
22 order to actually have standing for a vote.

1 And so, the -- the way that we had read
2 that particular clause is that membership is open
3 to anybody in the neighborhood who wants to be an
4 official member of -- of the organization, but
5 it's not closed to anybody who wants to just
6 participate in a variety of different actions
7 such as the cleaning -- the neighborhood cleaning
8 day that we had over the past weekend -- things
9 of that nature.

10 CHAIRPERSON FLETCHER: Uh-huh. Yeah,
11 because I -- I know from -- from your bylaws that
12 you serve basically the same purpose.

13 MR. FOOTER: Right.

14 CHAIRPERSON FLETCHER: And so the -- the
15 regulations don't allow for a civic association.
16 And you're not for profit, yes?

17 MS. NORMAN: Yes.

18 CHAIRPERSON FLETCHER: Yes, you're a not
19 for profit civic association. You have members,
20 and your members pay dues. There's no definition
21 for that in our regulations that would grant
22 standing to a civic association.

1 Although I understand that you --
2 residents can come to the meetings because you're
3 a community organization and you give notice to
4 the public about your meetings, but you still
5 have that -- that -- that -- that non-profit
6 status, and it's a membership organization. And
7 I know other people can come, but there is no
8 definition for that.

9 MR. FOOTER: Well, and my understanding
10 from the ANC, the majority of organizations that
11 actually classify as membership organizations
12 cannot collect memberships unless they are filed
13 as some sort of non-profit. A civic association
14 has been the longstanding establishment in the
15 community as a 501(c)4 --

16 CHAIRPERSON FLETCHER: That's right.

17 MR. FOOTER: -- and actually are -- are
18 -- there's a precedent of them being involved as
19 a party to this particular settlement agreement
20 as they're an equal petitioner in the settlement
21 agreement or equal party in the -- in the
22 settlement agreement.

1 CHAIRPERSON FLETCHER: The settlement
2 agreement that you're referring to, is that one
3 -- is that one that was reached through ABRA?

4 MR. FOOTER: Correct.

5 CHAIRPERSON FLETCHER: And in that
6 particular case do you know if the LeDroit Park
7 Civic Association filed a protest?

8 MR. FOOTER: I don't know if they filed a
9 protest, but I know that they are a party -- a
10 signature party on the settlement agreement.

11 CHAIRPERSON FLETCHER: Yes, because they
12 -- yes, because you can be. You can be --

13 MR. FOOTER: Okay.

14 CHAIRPERSON FLETCHER: -- without filing
15 a protest. That's why I was wondering.

16 MR. FOOTER: And so one of the things if
17 -- if it's helpful to just move things along for
18 today --

19 CHAIRPERSON FLETCHER: Uh-huh, uh-huh.

20 MR. FOOTER: -- we do have -- in
21 preparation for this particular question we do
22 have a party of five here that's ready to

1 establish themselves as a party of five with the
2 ANC but our main focus and what will be important
3 to maintaining status, I guess, in this
4 particular case is that the civic association has
5 the opportunity to be a signatory on the
6 settlement agreement. And that's something that
7 the ANC feels very strongly about.

8 CHAIRPERSON FLETCHER: Well, yes, that --
9 that may be fine.

10 MR. FOOTER: Okay.

11 CHAIRPERSON FLETCHER: That -- what you
12 just said that the -- the civic association has
13 the ability to be a signatory on a settlement
14 agreement if it's reached. That may be fine with
15 -- with Board approval.

16 So, what I'm -- what I'm going to do, I'm
17 going to grant standing to ANC 1B. I am not
18 going to grant standing to the LeDroit Park Civic
19 Association, but what -- what I would want you to
20 do, Ms. Norman, is to petition the ABC Board for
21 standing.

22 MS. NORMAN: Okay.

1 CHAIRPERSON FLETCHER: So that they --
2 they have to look at your structure and make a
3 decision about that. They may decide to grant
4 you standing. You know, I have certain
5 authority, but --

6 MR. FOOTER: Can the party of five enter
7 into protest today?

8 CHAIRPERSON FLETCHER: The party of --

9 MR. FOOTER: Because we have them here?

10 CHAIRPERSON FLETCHER: -- the only way
11 that the party of five could become a party is if
12 they had filed the protest timely -- had filed a
13 protest before today in a timely fashion, but
14 they can't be established on the spot.

15 MR. FOOTER: Could the letter submitted
16 for the civic association -- could that be
17 entered in consideration for a party of five?

18 CHAIRPERSON FLETCHER: Let me take a
19 look. Let me see something here. So, I see the
20 letter from Ms. Norman?

21 MS. NORMAN: Yes.

22 CHAIRPERSON FLETCHER: And the protest

1 letter from you, Ms. Norman.

2 I also see -- I also see letters from a
3 lot of individuals, but I'm not sure how -- how
4 they're -- were they with the civic association?

5 MS. NORMAN: Yes.

6 CHAIRPERSON FLETCHER: So at the -- so at
7 the time that these individuals submitted these
8 letters, they were part of your letter, Ms.
9 Norman?

10 MS. NORMAN: Yes.

11 CHAIRPERSON FLETCHER: I'm just trying to
12 set the record straight. So they -- they signed
13 on with you as a part of the association protest?

14 MS. NORMAN: Yes.

15 CHAIRPERSON FLETCHER: Okay. And so
16 because those letters were timely filed at the
17 same time that your protest was timely filed,
18 yes, I would allow them to assemble as a group of
19 five.

20 MR. FOOTER: Then we have a number of
21 them here today. Should we ask them to come
22 forward?

1 CHAIRPERSON FLETCHER: Yes. So, if --
2 so, if you would just come forward and -- and --
3 right behind -- there's a microphone on the
4 table. If you would just stand right there and
5 state your name and spell it for the record.

6 MR. FOOTER: Do you happen to have
7 another one of these sheets? There's -- just so
8 we can get more of them to sign on?

9 CHAIRPERSON FLETCHER: We only need the
10 designated representatives.

11 MR. FOOTER: Oh, perfect. Okay.

12 CHAIRPERSON FLETCHER: Uh-huh.

13 MR. KORKOIAN: David, D-A-V-I-D,
14 Korkorian, K-O-R-K-O-I-A-N.

15 CHAIRPERSON FLETCHER: David, that's K-O-
16 R-K --

17 MR. KORKOIAN: O-I-A-N.

18 CHAIRPERSON FLETCHER: K-O-I-A-N.

19 And you signed the -- one of these
20 letters? I'll double check. You signed one of
21 the letters in the file?

22 MR. KORKOIAN: Yes.

1 CHAIRPERSON FLETCHER: Okay. So then you
2 -- okay. You won't -- you can't be recognized as
3 a protestant. It has to be someone --

4 MR. KORKOIAN: It has to be the people --

5 CHAIRPERSON FLETCHER: It has to be
6 someone that signed one of these letters.

7 MS. LOMBARDI: So my name is Karen,
8 K-A-R-E-N. Last name is Lombardi, L-O-M-B-A-R-D-
9 I.

10 CHAIRPERSON FLETCHER: Okay. Did you
11 sign the letter, Ms. Lombardi?

12 MS. LOMBARDI: Yes.

13 CHAIRPERSON FLETCHER: Uh-huh.

14 MR. PAK: Simon Pak, S-I-M-O-N, P-A-K.
15 And I signed the letter as well.

16 CHAIRPERSON FLETCHER: Thank you.

17 Ms. KIM: Jeehye Kim, J-E-E-H-Y-E, last
18 name K-I-M, and I signed the letter.

19 CHAIRPERSON FLETCHER: Thank you.

20 Okay. So that's -- so three individuals
21 --

22 MR. FOOTER: So we have four.

1 MS. NORMAN: And let me ask you this. is
2 -- are we allowed to have someone stand in for
3 another person who did sign the letter but was
4 unable to make it?

5 CHAIRPERSON FLETCHER: Well, I should
6 tell you, I'm making exceptions already because
7 normally what has to happen -- but to answer your
8 question, yes, if someone had -- if this group of
9 five that we're talking about right now have
10 filed a protest, and that group of five had
11 designated a representative in writing to
12 represent it today --

13 MS. NORMAN: Uh-huh.

14 CHAIRPERSON FLETCHER: -- yes.

15 MS. NORMAN: Okay.

16 CHAIRPERSON FLETCHER: Do you have
17 situation where there's somebody here that has a
18 letter of designation from someone else? Is
19 there someone here that has a letter of
20 designation to represent someone else?

21 MS. NORMAN: No, they didn't send a
22 letter.

1 CHAIRPERSON FLETCHER: You were just
2 asking?

3 MS. NORMAN: Right. Yes.

4 CHAIRPERSON FLETCHER: So, you said there
5 are four people, Mr. Footer?

6 MR. FOOTER: There are four.

7 CHAIRPERSON FLETCHER: I only have three.

8 MR. FOOTER: Oh, including Ms. Norman.

9 CHAIRPERSON FLETCHER: Oh, because you
10 signed the letter?

11 MS. NORMAN: Right.

12 MR. FOOTER: Uh-huh.

13 CHAIRPERSON FLETCHER: Well, here's what
14 I'm going to do. I'm not going to grant standing
15 to the LeDroit Park Civic Association, but, Ms.
16 Norman, you may petition the ABC Board if you
17 want to be granted standing as a civic
18 association.

19 MS. NORMAN: Okay.

20 CHAIRPERSON FLETCHER: I'm granting
21 standing to the ANC, ANC 1B. And because there
22 are four individuals present that signed a

1 protest letter in a timely fashion, although you
2 signed on to be in support of the LeDroit Park
3 Civic Association, but because you showed up
4 today, I'll grant conditional standing to a group
5 of five.

6 And what that means is that one more
7 person that signed one of these letters has to
8 appear at the status hearing for which I'll give
9 you a date. By the point of the status hearing
10 the ABC Board likes to see five -- have seen five
11 faces. So there are four here today, so one more
12 would need -- that's not here today -- will need
13 to appear for the status hearing. And I'll give
14 you the date for that in a minute.

15 MR. FOOTER: And just to be clear, it has
16 to be people that have already signed on. It
17 can't be additional people that want to enter in?

18 CHAIRPERSON FLETCHER: That's exactly
19 right. It has to be one of these people that
20 signed one of these letters that you submitted,
21 Ms. Norman, with your letter. And (pause) you
22 had 11 individuals to sign letters. And I'm able

1 to grant standing to them because in each letter
2 they set out a basis of peace, order, and quiet.
3 And so I'm going to let those stand alone as
4 protest letters. And so, one of those -- one
5 additional person that's not here today needs to
6 come.

7 So the question is for the group of five
8 that's been granted conditional standing, who's
9 going to be the designated representative for
10 that group?

11 (Ms. Norman raises her hand.)

12 CHAIRPERSON FLETCHER: And, Ms. Norman,
13 you put your contact information on that sheet?

14 MS. NORMAN: Yes.

15 CHAIRPERSON FLETCHER: Ms. Raiford, or
16 Mr. Alston, do you have any questions or
17 concerns? Do you have any questions or concerns?

18 MS. RAIFORD: For the -- well --

19 CHAIRPERSON FLETCHER: Yes, for the --
20 for the -- for the standing that I just granted
21 to these groups.

22 You received -- you received copies of

1 the protest letters.

2 MS. RAIFORD: Right.

3 CHAIRPERSON FLETCHER: So you received
4 the protest letters signed by the ANC, and you
5 received the protest letters signed by Ms. Norman
6 of the civic association. And her letter
7 included 11 letters signed by individuals in the
8 neighborhood.

9 MS. RAIFORD: Correct. My -- my concern
10 is that those letters that they sent in, if you
11 check the dates on them --

12 CHAIRPERSON FLETCHER: Uh-huh.

13 MS. RAIFORD: -- they are still valid.

14 CHAIRPERSON FLETCHER: The letters that
15 I'm looking at -- let me take a second look. The
16 letters that I'm looking at were attached to your
17 letter.

18 MS. NORMAN: Right.

19 CHAIRPERSON FLETCHER: So, if they're
20 attached to your letter, we accepted them. Your
21 letter is timely filed, so we would accept the
22 entire package as timely filed.

1 MR. FOOTER: (Inaudible **24:45) when
2 they signed --

3 CHAIRPERSON FLETCHER: That's what I'm
4 asking.

5 So, according to our record, Ms. Raiford,
6 the protest filed by LeDroit Park Civic
7 Association was timely filed, but if you have
8 some additional information, you can tell me what
9 it is.

10 MS. RAIFORD: The information I'm looking
11 is dates -- Ms. Anita letter was May 6, 2016.

12 CHAIRPERSON FLETCHER: Whose letter?

13 MR. FOOTER: The Civic Association
14 letter.

15 MS. RAIFORD: Civic Association was 2016,
16 but the people that signed the petition -- if you
17 look at it -- October 27, 2014, just about all of
18 them is October 2014.

19 CHAIRPERSON FLETCHER: Oh, I see what
20 you're saying. So, what -- what we -- what we go
21 by is the date we receive the letters. So I --
22 you're right. The letters -- are all of these

1 protest letters from the individuals -- all of
2 the letters are dated -- they're all in 2014.

3 MS. RAIFORD: Right.

4 CHAIRPERSON FLETCHER: That's when
5 they're all dated. The date we receive them was
6 timely. You're -- you're right about what you're
7 saying though. Looking at each one, and they all
8 say October 14th.

9 So I don't know if they used them in some
10 prior matter, but we received them timely. So,
11 we determine standing by the date that we receive
12 a document.

13 MS. RAIFORD: Okay. Because out of some
14 of these letters --

15 CHAIRPERSON FLETCHER: Uh-huh.

16 MS. RAIFORD: -- the tenants don't even
17 live there anymore.

18 CHAIRPERSON FLETCHER: So can you tell me
19 who they are?

20 MS. RAIFORD: Ben Ball.

21 CHAIRPERSON FLETCHER: Was anybody here
22 today that no longer lives there?

1 MS. RAIFORD: Ms. -- quite a few because
2 some of the houses have been --

3 CHAIRPERSON FLETCHER: I mean --

4 MS. RAIFORD: -- up for sale.

5 CHAIRPERSON FLETCHER: -- do you know of
6 any of the -- do you know if any of the people
7 present today -- do you still -- the people here
8 I'm talking to who just stated your name. Do you
9 still live where you lived at the time that you
10 signed the letter?

11 (Inaudible response.) **27:04**

12 CHAIRPERSON FLETCHER: Okay. So --

13 MR. ALSTON **SPK 27:11: So maybe --

14 CHAIRPERSON FLETCHER: -- when --

15 MR. ALSTON **SPK: -- it can be just for
16 those five that still live there and signed the
17 letter.

18 CHAIRPERSON FLETCHER: So I'm -- so I'm
19 glad you mentioned that. So the one person that
20 comes to the status hearing needs to still live
21 there.

22 MR. FOOTER: Yes.

1 CHAIRPERSON FLETCHER: So, Ms. Raiford,
2 if the person -- if the individuals present today
3 no longer live there, standing could not be
4 granted; but they -- they live there still. And
5 then one other person has to still live there as
6 well.

7 And so I know the letters were dated for
8 one date, but we stamp everything in when it
9 comes in, and that's the date we have to go by to
10 determine who filed the timely protest.

11 But thanks for pointing that out though.
12 And thanks for pointing out that there are some
13 people that no longer live there because that is
14 an issue if -- if they no longer live there.

15 SO are there any other issues you want to
16 raise, Ms. Raiford?

17 MS. RAIFORD: No.

18 CHAIRPERSON FLETCHER: Anything, Mr.
19 Alston?

20 MR. ALSTON: No.

21 CHAIRPERSON FLETCHER: So we have as
22 protestants ANC 1B and a conditional standing

1 granted to a group of four.

2 We need to set a date for a -- oh, and
3 the dismissal of the LeDroit Park Civic
4 Association as a protestant for the reasons that
5 I already stated.

6 I need to set a date for a mediation, a
7 status hearing, and a protest hearing. I'll give
8 you the date for the status and protest hearing
9 first. The date for the status hearing is
10 September the 14th, September the 14th at 9:30
11 a.m.

12 MR. ALSTON: Wait a minute.

13 CHAIRPERSON FLETCHER: September 14th.

14 MS. RAIFORD: What time?

15 CHAIRPERSON FLETCHER: September 14 at
16 9:30.

17 The date for the protest hearing is
18 November the 9th at 1:30.

19 We need to set a date for mediation.

20 MR. FOOTER: Do you mind repeating the
21 date or the time?

22 CHAIRPERSON FLETCHER: Yes. For the

1 status hearing is September 14 at 9:30 a.m., and
2 the protest hearing is November the 9th at 1:30.

3 I'll give you the next available date for
4 mediation. Ms. -- Ms. Raiford or Mr. Alston,
5 which one of you are going to be the designated
6 representative for the establishment? Who will
7 we contact? We need -- we need one person.

8 So, Ms. Raiford, is your contact
9 information on that sign-in sheet?

10 MS. RAIFORD: Yes.

11 CHAIRPERSON FLETCHER: Okay. Thank you.

12 So let me give you the next available day
13 for mediation.

14 MR. FOOTER: Do you mind just clarifying
15 to -- I know this is the first time a number of
16 people have gone through this process.

17 CHAIRPERSON FLETCHER: Yes.

18 MR. FOOTER: Do you mind just clarifying
19 what mediation is?

20 CHAIRPERSON FLETCHER: Yes, yes, yes.
21 So, the -- because you filed a protest, the Board
22 scheduled a protest hearing. A protest hearing

1 is like a court hearing. You come here. There's
2 the witness stand, and you make your case to the
3 board for why this license should not be renewed.

4 The mediation is an alternative to the
5 protest hearing. So when you come to mediation,
6 you're trying to negotiate a settlement to
7 resolve your protest issues. And if you're able
8 to do that successfully, then you submit the
9 agreement to the ABC Board for approval.

10 If they approve it, then they cancel the
11 status hearing and the protest hearing. It's a
12 -- it's a dispute resolution process that allows
13 you to sit down and talk about whatever the
14 issues are.

15 The Board would prefer for you to resolve
16 them if you can. If you can't, we just move
17 along to the next step where the Board hears the
18 testimony and then they render a decision based
19 on the testimony. But they -- they require you
20 to try to work it out first. So, you're not
21 required to work it out. You're just required to
22 come to mediation.

1 Did I cover everything, Mr. Footer?

2 So, any questions about that, Ms.

3 Raiford, or, Mr. Alston?

4 MR. ALSTON: No.

5 MS. RAIFORD: No.

6 CHAIRPERSON FLETCHER: About the
7 mediation?

8 MS. RAIFORD: The date. You didn't give
9 us the date.

10 CHAIRPERSON FLETCHER: No, I'll give you
11 that in one -- give me one minute.

12 It needs to be before the status hearing.
13 The next available day for mediation is -- well,
14 actually, that's not going to work. Excuse me
15 one second.

16 Do you have a preference for morning or
17 afternoon? Because I have something for 1:00 in
18 the afternoon, but if you prefer something
19 earlier, I'll keep moving through the calendar.

20 MS RAIFORD: Morning.

21 CHAIRPERSON FLETCHER: Morning is better?

22 MR. FOOTER: Morning would be great.

1 CHAIRPERSON FLETCHER: Okay. What about
2 August the 30th at 11:30 in the morning? Does
3 that work for you two, Mr. Footer, and Ms.
4 Norman?

5 MR. FOOTER: Is there any chance we could
6 do the 29th?

7 CHAIRPERSON FLETCHER: The 29th? If we
8 do the 29th, that's on a Monday and there are
9 normally roll call hearings on Mondays, and so,
10 in the morning would not be available on the
11 29th.

12 What about -- what about September the
13 1st? That's available in the morning.

14 MS. RAIFORD: That's a holiday.

15 CHAIRPERSON FLETCHER: I'll just keep
16 moving. We're open.

17 MS. RAIFORD: Oh, oh --

18 CHAIRPERSON FLETCHER: Yes, because Labor
19 Day is when?

20 SPEAKER **34:22**: The 4th, isn't it?

21 CHAIRPERSON FLETCHER: Yes, I think
22 that's the next date, but I can just keep moving.

1 MS. RAIFORD: September the 1st?

2 MS. NORMAN: Uh-huh.

3 MS. RAIFORD: Oh, that's good.

4 That was the 1st.

5 MR. ALSTON: Same time?

6 CHAIRPERSON FLETCHER: At whatever time
7 you prefer on August 1st. On August 1st it can
8 be at 9:00, 10:00, 11:00, 11:30 -- anytime in the
9 morning.

10 MR. FOOTER: The September 1st, the
11 earlier in the morning is always better for me.

12 CHAIRPERSON FLETCHER: Yes, I mean
13 September 1st, yes.

14 MR. FOOTER: And what's the earliest --

15 CHAIRPERSON FLETCHER: Nine o'clock.

16 MR. FOOTER: Nine o'clock. Nine o'clock
17 would be great.

18 CHAIRPERSON FLETCHER: On September the
19 1st.

20 MR. ALSTON: That's the mediation.

21 MS. RAIFORD: Uh-huh.

22 MR. ALSTON: At 9:00 o'clock?

1 CHAIRPERSON FLETCHER: Nine o'clock, yes.

2 And the mediation will be here probably
3 in this room. When you come, you will just check
4 in with the -- the staff out front, and they'll
5 just let me know you're here.

6 My card's on the table if you need to
7 call me about anything. And any questions at
8 all?

9 MR. FOOTER: Quick question. And more of
10 a point of clarification. I know that there a
11 lot of parties that are here today. For the
12 mediation could you give a recommendation on how
13 many people need to actually come to that?

14 CHAIRPERSON FLETCHER: We recommend only
15 the designated representatives. That's what we
16 prefer. But anybody that files a protest can
17 come.

18 And let's just if from your group of
19 five, if there were any individuals from your
20 group that wanted to come, they can because
21 they're protestants, but the process works better
22 when they're the designated representatives only,

1 but it's okay with me if the other individuals or
2 -- from the group come.

3 MR. FOOTER: And the same thin on the
4 Petitioner's side or Applicant's side as well?

5 CHAIRPERSON FLETCHER: On the Applicant's
6 side is the designated representative. It can be
7 either one of you two are the ideal situation.

8 I'm assuming that you're the owners and
9 the applicants?

10 MR. ALSTON: Yes.

11 CHAIRPERSON FLETCHER: Yes. So, it's --
12 it's up to you who comes to the mediation.

13 MS. RAIFORD: So I thought you said --

14 CHAIRPERSON FLETCHER: It can be you. It
15 can be Ms. --

16 MS. RAIFORD: They would still be allowed
17 to sit in the audience?

18 CHAIRPERSON FLETCHER: Who's they?

19 MS. RAIFORD: Our members.

20 CHAIRPERSON FLETCHER: No, because
21 they're not -- I understand what you're -- I see
22 what you're saying because you have people here

1 today in support of the application?

2 MS. RAIFORD: Yes.

3 CHAIRPERSON FLETCHER: I see. So in that
4 case, those -- mediation is confidential. It's
5 -- mediation is private. It's confidential.
6 It's only between the parties.

7 The only reason that the members in --
8 the individuals in support cannot come is because
9 they're not parties to the protest. The
10 protestants are parties. They've been granted
11 standing and conditional standing, so they are
12 part of the process. It's not a public hearing.
13 Mediation is not public. It's just going to be
14 the people at this table. That's it.

15 For any public hearing -- the status
16 hearing, the protest hearing -- they can come
17 because these hearings are public. Mediation is
18 strictly private between the parties.

19 So, and -- and it's not where you -- it's
20 not where we talk to witnesses and it's not a
21 hearing. It's just -- it's a process where you
22 get to talk down -- sit down and speak with the

1 individuals that filed the protest to see if you
2 can come to some sort of understanding and
3 resolution to resolve the -- the issues.

4 MS. RAIFORD: Okay. But they are a part
5 of Columbia At Large.

6 CHAIRPERSON FLETCHER: Yes, but they're
7 not parties to this process. I granted standing
8 today to everybody who's a party.

9 Your supporters can't file a protest, but
10 what happens is if you -- if this matter is not
11 resolved in mediation and you have a protest
12 hearing, then your supporters can testify on your
13 behalf. That's the role they play in a protest
14 hearing; but supporters don't have a role unless
15 there is a hearing. So they can come to all
16 public hearings like today.

17 If we were having mediation today and
18 they showed up, then I would have to ask everyone
19 to leave except the parties to the protest.

20 So, you won't need them for mediation.
21 You won't need them. There is no testimony for
22 mediation. It's just a discussion.

1 And so at the status hearing they can
2 come, but the board won't talk to them during the
3 status hearing either -- only during the protest
4 hearing if you want to use any of your supporters
5 as witnesses, that's when they come into play
6 during the status -- during the protest hearing I
7 mean.

8 Mr. Footer, thanks for mentioning that.
9 I didn't realize that -- that your supporters
10 came. It was good that your supporters showed
11 up. We know that you have support, but yes, at
12 this stage they're not involved.

13 Anything else, Ms. Raiford, or, Mr.
14 Alston? Any other questions before we conclude
15 the Roll Call Hearing?

16 (No response.)

17 CHAIRPERSON FLETCHER: Okay. Then the
18 Roll Call Hearing is concluded. Thank you for
19 coming.

20 [Whereupon, at 10:47 a.m. the
21 above-entitled matter concluded.]

22